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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,985	12/15/2003	Man-Pyo Hong	587-34	4178

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DILWORTH & BARRESE, LLP
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EXAMINER

HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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12/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,985

Applicant(s)

HONG ET AL.

Examiner

Daniel L. Hoang

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Response to Arguments

Applicant's arguments, see pages 2-5, filed 10/11/07, with respect to the rejection(s) of claim(s) 1-2 under 35 U.S.C. 102(b) have been fully considered but they are not persuasive.

Applicant argues the following:

A) Ji fails to teach "method call sequence detection based on rules including matching rules and relation rules." Applicant further argues that the Ji reference does not teach that the matching rules are comprised of script sentences which include rule variables and the relational rules are comprised of condition phrases and action phrases.

Examiner contends that while applicant's arguments may be true, they are not enough to overcome the previous action's rejections due to the fact that the specificity of the arguments in relation to the claim language is currently not present in the claims. The claim current cites that the method call sequence be based on rules which include matching rules and relation rules. The current claim language lacks the specificity proposed by applicant in the above arguments.

B) Ji does not teach that the "wherein the self detection routine includes a rule-based detection engine for executing the relation rule related to a relevant matching rule when a method corresponding to the matching rule is called." Applicant further argues that the claimed invention, in contrast to Ji, teaches that the "self-detection routine of the invention is generated by a script transformer which transforms an original script capable of continuously performing the self-detection during the execution through the method call sequence based on detection rules..."

Examiner respectfully disagrees that the above arguments are sufficient to overcome the previous action's rejection. Applicant's current claim does not cite transformation of the original script. As with the above argument, applicant's claim lacks the specificity relied upon in the arguments.

Based on the above, examiner contends that applicant's arguments are not persuasive in overcoming the previous action's rejections. Thus, the previous rejections are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Ji (US Patent No. 6,272,641).

As per claim 1, Ji teaches:

A method of detecting malicious scripts using code insertion technique, comprising the step of: checking values related to each sentence belonging to call sequences by using method call sequence detection based on rules including matching rules and relation rules,

[see col. 4, paragraph 5]

wherein the checking step comprises the steps of:

inserting a self-detection routine (malicious behavior detection routine) call sentence before and after a method call sentence of an original script; and

[see col. 3, paragraph 3]

detecting the malicious codes during execution of the script through a self-detection routine inserted into the original script.

[see col. 3, paragraph 4]

As per claim 2, Ji teaches:

The method according to claim 1, herein the self-detection routine call sentence is composed of sentences for storing parameters and return values and calling a detection engine, said sentences being inserted before and after the method call sentence when the method call sentence matches with contents described in the matching rule, and wherein the self-detection routine includes a rule-based detection engine for executing for executing the relation rule related to a relevant matching rule when a method corresponding to the matching rule is called and detecting the presence of malicious behavior of the method call sequence, and methods for causing the parameters and return values of the method call sentence satisfying the matching rule to be stored into a buffer usable by the detection engine.

[see fig. 2]

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

POINTS OF CONTACT

- * Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

- * Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Art Unit: 2136

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Daniel L. Hoang
12/20/07

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SUPERVISORY PATENT EXAMINER
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12,21,07